

HOUSE BILL NO. 450

INTRODUCED BY JOPEK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING THE ADMINISTRATION OF STATE LAND; ~~CLARIFYING THE PURPOSE OF RETAINING RATHER THAN SELLING STATE LAND OTHER THAN ISOLATED PARCELS;~~ PROVIDING FOR COMPLIANCE WITH CONSIDERATION OF CERTAIN LOCAL GOVERNMENT ORDINANCES AND RESOLUTIONS WHEN CERTAIN SALES OF LAND ARE PROPOSED OR MADE; AMENDING SECTIONS 77-1-202, 77-1-904, AND 77-2-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 77-1-202, MCA, is amended to read:

"77-1-202. Powers and duties of board. (1) The board shall exercise general authority, direction, and control over the care, management, and disposition of state lands and, subject to the investment authority of the board of investments, the funds arising from the leasing, use, sale, and disposition of those lands or otherwise coming under its administration. In the exercise of these powers, the guiding principle is that these lands and funds are held in trust for the support of education and for the attainment of other worthy objects helpful to the well-being of the people of this state as provided in The Enabling Act. The board shall administer this trust to:

(a) secure the largest measure of legitimate and reasonable advantage to the state; AND

(b) provide for the long-term financial support of education; and.

(c) prefer retention over disposition of trust land, except as provided in 77-2-361 through 77-2-367.

(2) It is consistent with the powers and duties provided in subsection (1) that the people are entitled to general recreational use of state lands to the extent that the trusts are compensated for the value of the recreation.

(3) When acquiring land for the state, the board shall determine the value of the land after an appraisal by a qualified land appraiser."

Section 2. Section 77-1-904, MCA, is amended to read:

"77-1-904. Commercial leasing authorized. (1) State trust land may be leased for a term not to

1 exceed 99 years for commercial purposes to the highest and best bidder responding to a department request
2 for proposals for commercial uses of a specified tract.

3 (2) The board may enter into contracts with lessees of state trust land for commercial purposes upon
4 terms and conditions that the board may reasonably determine to be in the best interests of the beneficiary.

5 (3) A request for proposals for the commercial leasing of state trust land must reserve the board's right
6 to reject any and all bids and the right to reoffer the tract for lease if the bids received are not acceptable to the
7 board.

8 (4) The board and the department, when preparing plans or proposals under this part, shall comply with
9 IMPLEMENT REVIEW CRITERIA IN CONSIDERATION OF the following local government provisions EXCEPT TO THE EXTENT
10 THAT THE PROVISIONS VIOLATE ARTICLE X, SECTION 4 OR 11, OF THE MONTANA CONSTITUTION:

11 (a) a growth policy or a neighborhood plan adopted pursuant to Title 76, chapter 1;

12 (b) zoning regulations;

13 (c) subdivision review as provided in Title 76, chapter 3;

14 (d) annexation;

15 (e) plans for the extension of services; and

16 (f) other actions related to local planning."

17
18 **Section 3.** Section 77-2-310, MCA, is amended to read:

19 **"77-2-310. Certain lands to be platted before sale.** (1) Any part of state lands ~~adjacent to cities or~~
20 ~~towns and other state lands which in the opinion of the board may be wanted for residence or business lots shall~~
21 ~~to THAT IN THE OPINION OF THE BOARD MAY be sold for residential or commercial purposes must before sale, at such~~
22 ~~time as the board may deem to be for the best interests of the state, AT SUCH TIME AS THE BOARD MAY CONSIDER~~
23 ~~TO BE IN THE BEST INTERESTS OF THE STATE, be surveyed and laid off in blocks, lots, streets, alleys, avenues,~~
24 ~~highways, public squares, market places, and parks in conformity with the laws of the state for the survey and~~
25 ~~platting of townsites and additions, thereto, conforming as nearly as may be with All sales must conform with~~
26 ~~EXCEPT TO THE EXTENT THAT THE FOLLOWING PROVISIONS VIOLATE ARTICLE X, SECTION 4 OR 11, OF THE MONTANA~~
27 ~~CONSTITUTION, THE BOARD AND THE DEPARTMENT SHALL CONSIDER the ordinances of such the appropriate city or~~
28 ~~town or the resolutions of the appropriate county regarding the platting of additions thereto;~~

29 (a) a growth policy or a neighborhood plan adopted pursuant to Title 76, chapter 1;

30 (b) zoning regulations;

(c) subdivision review as provided in Title 76, chapter 3;

(d) annexation:

(e) plans for the extension of services; and

(f) other actions related to local planning.

(2) The board ~~must~~ shall cause correct maps and plats of ~~such the~~ lands to be made and recorded ~~when so~~ after being surveyed and not otherwise. No A fee ~~shall~~ may not be charged by the county recorder or by any city officer for filing or recording ~~such the~~ maps or plats when recorded on behalf of the state.

(2)(3) Before the lands so surveyed and laid off are offered for sale the same shall lands must be appraised, with a separate appraisal to be placed on each lot. Such The surveyed and platted land may then be sold in the same manner and upon the same terms and conditions as other state lands are sold."

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005.

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